

1 DANIEL G. BOGDEN
United States Attorney
2 Nevada State Bar No. 2137
MICHAEL A. HUMPHREYS
3 Assistant United States Attorney
Lloyd D. George United States Courthouse
4 333 Las Vegas Boulevard South, Suite 5000
Las Vegas, Nevada 89101
5 Telephone: (702) 388-6336 Facsimile: (702) 388-6787
Counsel for Plaintiff
6

7 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

8 UNITED STATES OF AMERICA,)
9)
10 Plaintiff,) 2:09-CV-1697-RLH (LRL)
11)
12 \$22,038.49 IN UNITED STATES CURRENCY;)
13 \$5,664.61 IN UNITED STATES CURRENCY;)
and \$2,078.12 IN UNITED STATES)
14 CURRENCY,)
Defendants.)
15 _____
16

17 **UNITED STATES' UNOPPOSED MOTION TO**
CONTINUE THE DATE TO FILE ITS COMPLAINT FOR
FORFEITURE IN REM IN THE ABOVE-CAPTIONED MATTER
18 **(Ninth Request)**

19 The United States of American ("United States"), by and through Daniel G. Bogden, United
20 States Attorney for the District of Nevada and Michael A. Humphreys, Assistant United States
21 Attorney, respectfully move this Court to grant an extension of time, until and including April 3,
22 2012, to allow the United States to files its forfeiture complaint against the following allotments of
23 seized cash:

24 \$22,038.49 in United States Currency;

25 \$5,664.61 in United States Currency; and

26 \$2,078.12 in United States Currency.

The Government's Complaint is currently due on December 5, 2011. Claimant, Theo Spyer, through his counsel, Laurence J. Semenza, consents to this motion. Theo Spyer and numerous of his associates have been the focus of a historical state/federal crime investigation into their activities of alleged unlawful gaming activities in Nevada and elsewhere. Generally speaking, the Government has developed information that Spyer and others were operating an illegal book-making operation from approximately December, 2008, through approximately April, 2009, all in violation of 18 United States Code, Section 1084 and other federal anti-gambling statutes. A principal situs of that illegal operation was Las Vegas, Nevada.

Spyer is recently aware of that investigation, and with his counsel, has been engaged in plea negotiations with the Government in an endeavor to complete a universal disposition. Those negotiations continue. In the meantime, the Government has a deadline, under the strictures of 18 United States Code, Section 983(a)(3)(A), to file its forfeiture complaint, regarding the above-captioned allotments of currency, no later than December 5, 2011.

The afore-referenced plea negotiations will not be complete by the time the Government is required to file its Complaint.

The Government, herewith, petitions this Court to extend the time for the Government to file its civil complaint in the above-captioned matter, to facilitate a possible, if not likely, universal plea disposition.

Under 18 United States Code, Section 983(a)(3)(A):

[T]he Government shall file a complaint for forfeiture in the manner set forth in the Supplemental Rules for Certain Admiralty and Maritime Claims..., a court in the district in which a complaint will be filed may extend the period for filing a complaint for good cause shown or *upon agreement of the parties*. (Emphasis added.)

A district court has the authority under Section 983(a)(3)(A) to extend the period for filing a Civil Complaint for Forfeiture In Rem.

On December 2, 2011, Spyer's counsel, Lawrence Semenza, agreed to the extension of time

1 and authorized counsel for the United States to file this unopposed motion with this Court. Because
2 the parties have agreed that the Government should be allowed an extension of time to file its *In
3 Rem* Complaint, the Government respectfully asks this Court to grant its motion.

4 This motion is not submitted solely for the purpose to delay or for any other improper
5 purpose.

6 WHEREFORE, pursuant to 18 United States Code, Section 983(a)(3)(A), the United States
7 moves this Court to grant its motion to extend the time for the United States to file its civil complaint
8 in the above-captioned matter for an additional 120 days, or until Tuesday, April 3, 2012.

9 DATED this 5th day of December, 2011.

10 Respectfully submitted,

11 DANIEL G. BOGDEN

12 United States Attorney

13
14 /s/Michael A. Humphreys
MICHAEL A. HUMPHREYS

15
16
17 IT IS SO ORDERED:

18
19 
20
21 UNITED STATES DISTRICT JUDGE
22
23
24
25
26

DATED: December 6, 2011